

**ASSEMBLY BILL**

**No. 900**

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**Introduced by Assembly Member Levine**

February 26, 2015

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An act to amend Section 155 of the Code of Civil Procedure, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 900, as introduced, Levine. Juveniles: special immigrant juvenile status.

Existing federal law, the Immigration and Nationality Act, establishes a procedure for classification of certain aliens as special immigrants who have been declared dependent on a juvenile court, and authorizes those aliens to apply for an adjustment of status to that of a lawful permanent resident within the United States. Under federal regulations, an alien is eligible for special immigrant juvenile status if he or she is under 21 years of age. Existing state law provides that the juvenile, probate, and family divisions of the superior court have jurisdiction to make judicial determinations regarding the custody and care of juveniles within the meaning of the federal Immigration and Nationality Act. Existing law also requires the court, upon request, to make the necessary findings regarding special immigrant juvenile status if there is evidence to support those findings, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 155 of the Code of Civil Procedure is amended to read:

155. (a) A superior court has jurisdiction under California law to make judicial determinations regarding the custody and care of ~~children~~ *a child* within the meaning of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J) and 8 C.F.R. Sec. 204.11), which includes, but is not limited to, the juvenile, probate, and family court divisions of the superior court. These courts may make the findings necessary to enable a child to petition the United States Citizenship and Immigration Service for classification as a special immigrant juvenile pursuant to Section 1101(a)(27)(J) of Title 8 of the United States Code.

(b) (1) If an order is requested from the superior court making the necessary findings regarding special immigrant juvenile status pursuant to Section 1101(a)(27)(J) of Title 8 of the United States Code, and there is evidence to support those findings, which may consist of, but is not limited to, a declaration by the child who is the subject of the petition, the court shall issue the order, which shall include all of the following findings:

(A) The child was either of the following:

(i) Declared a dependent of the court.

(ii) Legally committed to, or placed under the custody of, a state agency or department, or an individual or entity appointed by the court. The court shall indicate the date on which the dependency, commitment, or custody was ordered.

(B) ~~That reunification~~ *Reunification* of the child with one or both of the child's parents was determined not to be viable because of abuse, neglect, abandonment, or a similar basis pursuant to California law. The court shall indicate the date on which reunification was determined not to be viable.

(C) ~~That it~~ *It* is not in the best interest of the child to be returned to the child's, or his or her parent's, previous country of nationality or country of last habitual residence.

(2) If requested by a party, the court may make additional findings that are supported by evidence.

(c) In any judicial proceedings in response to a request that the superior court make the findings necessary to support a petition for classification as a special immigrant juvenile, information

1 regarding the child's immigration status that is not otherwise  
2 protected by state confidentiality laws shall remain confidential  
3 and shall be available for inspection only by the court, the child  
4 who is the subject of the proceeding, the parties, the attorneys for  
5 the parties, the child's counsel, and the child's guardian.

6 (d) In any judicial proceedings in response to a request that the  
7 superior court make the findings necessary to support a petition  
8 for classification as a special immigrant juvenile, records of the  
9 proceedings that are not otherwise protected by state confidentiality  
10 laws may be sealed using the procedure set forth in California  
11 Rules of Court 2.550 and 2.551.

12 (e) The Judicial Council shall adopt any rules and forms needed  
13 to implement this section.